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Attorney for Defendant
Michael Richard Lynch

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL RICHARD LYNCH

Defendant.

Case No.: 3:18-CR-00577 CRB

Judge: Hon. Charles Breyer

**MOTION TO MODIFY
(TEMPORARILY) CONDITIONS OF
PRETRIAL RELEASE**

1 Dr. Michael Lynch, the defendant in the above-captioned action, through counsel,
2 respectfully moves this Court for temporary modifications of his conditions of pretrial release to
3 impose a curfew between the hours of 9AM and 9PM during the periods from September 24 to
4 October 9, 2023, and October 24 to November 5, 2023. In each instance, the request is being
5 made to allow Dr. Lynch to spend time outside his residence during anticipated visits from
6 family; the first visit being by his wife (which coincides with their wedding anniversary), and the
7 second visit by his two adult daughters, who will be on break from their university studies in
8 England during that time. Any trip away from his residence will be in the company of his armed
9 guards who will coordinate in advance of each such trip directly with Pretrial Services. Dr.
10 Lynch is also subject to GPS monitoring, which, of course, will continue in full effect during the
11 periods of requested modification. In connection with this motion, we respectfully submit as
12 follows:

13 1. Dr. Lynch is a citizen of the United Kingdom and was a resident of England prior
14 to his extradition.

15 2. Dr. Lynch has been named in a 17-count Superseding Indictment, returned on
16 March 21, 2019 (the "Indictment"), charging him with violations of 18 U.S.C. § 1349
17 (conspiracy to commit wire fraud), 18 U.S.C. § 1343 (wire fraud), 18 U.S.C. § 1348 (securities
18 fraud), and 18 U.S.C. § 371 (conspiracy).

19 3. On May 11, 2023, Dr. Lynch was extradited to the United States and appeared
20 before this Court in San Francisco.

21 4. On May 11, 2023, this Court issued an Order setting conditions of release for Dr.
22 Lynch. These included a \$100 million bond, to be secured by \$50 million in cash or
23 unencumbered shares of publicly traded stock, accompanied by power of sale; Dr. Lynch's
24 confinement in a residence within the City of San Francisco, with travel away from the residence
25 permitted, with sufficient advance notice to Pretrial Services, only for meetings with counsel,
26 medical appointments, court appearances and other essential purposes; the hiring of a private
27 security service at Dr. Lynch's expense to guard Dr. Lynch, including 24-hour armed guards and
28 video surveillance; GPS monitoring; and the surrender of all travel documents. (Doc. 146.)

1 5. On May 24, 2023, this Court issued an Order granting the defendant's Motion for
2 Leave to Change Address and to Clarify Release Conditions, which (among other things)
3 clarified that Dr. Lynch's release conditions include the ability for him to travel for religious
4 services and court-approved obligations within San Francisco, upon the approval of Pretrial
5 Services. (Doc. 168.)

6 6. On July 6, 2023, this Court issued an Order Temporarily Modifying the
7 Conditions of Pretrial Release between July 10 and July 17, 2023, permitting Dr. Lynch to travel
8 within the city of San Francisco each day between the hours of 9AM and 9PM PDT during a
9 visit from his daughters from England. (Doc. 194, the "First Curfew Order"). The First Curfew
10 Order required that Dr. Lynch be accompanied by two armed guards whenever outside his
11 residence, that he obey all conditions his guards believed necessary to allow for complete
12 security while away from his residence, and that the guards coordinate with Pretrial Services
13 about his whereabouts so that Pretrial Services would be aware of all trips away from the
14 residence. (Id.)

15 7. On August 2, 2023, this Court again issued an Order Temporarily Modifying the
16 Conditions of Pretrial Release between August 9 and August 26, 2023, allowing Dr. Lynch to
17 travel within the city of San Francisco between the hours of 9AM and 9PM PDT during a visit
18 from his wife from England, following the untimely passing of Dr. Lynch's only brother. (Doc.
19 201, the "Second Curfew Order"). As with the First Curfew Order, the Second Curfew Order
20 required that Dr. Lynch be accompanied by two armed guards whenever outside his residence,
21 that he obey all conditions his guards believed necessary to allow for complete security while
22 away from his residence, and that the guards coordinate with Pretrial Services about his
23 whereabouts so that Pretrial Services would be aware of all trips away from the residence. (Id.)

24 8. Dr. Lynch respectfully requests that the Court again temporarily modify his
25 conditions of pretrial release during the periods from September 24 to October 9, 2023, and
26 October 24 to November 5, 2023, always accompanied by two armed guards, between the hours
27 of 9AM and 9PM each day, without seeking prior approval of Pretrial Services or the Court.
28

1 9. This request is precipitated by planned visits from Dr. Lynch's family. Dr.
2 Lynch's wife plans to visit from September 24 to October 9, 2023, to spend time with Dr. Lynch
3 and to celebrate their wedding anniversary on September 29, 2023. Dr. Lynch's daughters plan
4 to visit during a break from university from October 24 to November 5, 2023.

5 10. Given his track record of compliance with all bail conditions, Dr. Lynch
6 respectfully submits that the current requested modification of his conditions of pretrial release
7 will not create any additional risk of flight nor compromise in any way the ability of the security
8 detail to supervise his compliance with his bail conditions.

9 11. The undersigned has conferred with Dr. Lynch's Pretrial Services Officer, Kim
10 Do, regarding the requested temporary modification and Ms. Do indicated that Dr. Lynch has
11 been fully compliant with all terms and conditions of bail and that Pretrial Services has no
12 objection to this request.

13 12. The undersigned has also conferred with Rodney McConville, a supervisor with
14 Keelson Strategic, the company providing Dr. Lynch's security guards. Mr. McConville has also
15 informed the undersigned that Dr. Lynch has been fully compliant with all terms and conditions
16 of his bond, including during the First and Second Curfews, that he diligently followed all
17 directions from his security detail, and did not pose any supervisory security challenges at any
18 time during trips away from his residence (or otherwise). Mr. McConville further informed
19 undersigned counsel that Keelson's guards are fully capable of managing similar movements
20 during the upcoming family visits and have no objection to the requested curfew. Additionally,
21 Mr. McConville stated that Dr. Lynch has been fully compliant with all his bail conditions and
22 has diligently followed all directions and requests by the security team. As with the First and
23 Second Curfew Orders, Dr. Lynch will comply with any additional conditions that his guards in
24 their full discretion believe necessary to allow for complete security while away from his
25 residence, and Dr. Lynch's guards will ensure that Pretrial Services is aware of all trips away
26 from the defendant's residence.

1 13. The undersigned has also conferred with counsel for the government regarding
2 this request and was informed that the government opposes this requested temporary
3 modification.

4 14. Beyond the immediate impending visits of Dr. Lynch's family, Dr. Lynch
5 respectfully further submits that both his physical and mental health are suffering from his
6 inability to leave his house and the isolation from friends and family, particularly in the wake of
7 the tragic death of his younger brother and further that the temporary modifications to spend time
8 with family (and his armed guards) outside his residence has been particularly beneficial.

9 15. In addition, it is worth noting that the value of Dr. Lynch's Darktrace share
10 certificates posted as bond with the Court have significantly appreciated in value since they were
11 posted as bond, and are now worth more than \$75m (an increase of more than \$20m since the
12 share certificates were posted), adding to the significant bond security that he has already posted,
13 providing further assurances against any bail violation.

14 WHEREFORE, Dr. Lynch further respectfully requests that his conditions of home
15 confinement be temporarily relieved to allow him to leave his residence between the hours of
16 9AM and 9PM, during the periods from September 24 to October 9, 2023, and October 24 to
17 November 5, 2023, accompanied by his armed guards who will notify Pretrial Services of all
18 trips away from the residence, without the need to seek advance approval of the Pretrial Services
19 or the Court.

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21 Dated: September 20, 2023

Clifford Chance US LLP

22 By: /s/Christopher J. Morvillo

23 Christopher J. Morvillo (Admitted *Pro Hac Vice*)
24 Attorney for Defendant
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